

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDLE GRIFFIN

Plaintiff,

Case No. 5:11-cv-14876

vs.

Hon. John Corbett O'Meara

RUM LOUIS CONDON, RUO
JOSEPH DOWNARD, and RUO
GARY MCMURTRIE
In Their Individual Capacity,

Mag. Michael J. Hluchaniuk

Defendants.

Wade Fink (P78751)
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Attorneys for Plaintiff

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General
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Attorneys for Defendants

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Questions for the Entire Venire

1. Plaintiff in this lawsuit is Randle Griffin. Do any of you know the Plaintiff either personally or in any other way? If so, please explain.

2. Defendants in this lawsuit are Joseph Downard, Louis Condon, and Gary McMurtrie. Do any of you know any of the Defendants either personally or have any of you heard of any defendant in any other way? If so, please explain.

3. The attorneys involved in this case are Wade Fink, Brandon Hubbard, Jessica Russell, Nolan Moody, and Clifton Schneider. Do you any of you know the attorneys appearing in this case? If so, please explain.

4. Have any of you or any of your family members ever been involved in a lawsuit? If so, please explain the type of case, your involvement, and whether that experience would affect your ability to render an impartial verdict.

5. Have any one or any one's family member or any close friends of any of yours ever testified as a witness at a deposition, trial or a grand jury investigation? If so, what was the case about? Is there anything about that experience as a witness that would prevent you from acting as a fair and impartial juror in this case?

6. Have any of you ever served on a jury before? If so, please explain the nature of the lawsuit. If so, were you a foreperson? If so, please describe the experience.

7. Do any of you have a personal relationship with, or are any of you in any way acquainted with any of the following individuals that may be witnesses in

this case: Keith Barber, Jessica Zimbelman, Jeffery Bryant, Larry Anthony, or Terrance Davis.

Questions for Individual Prospective Jurors

8. What is your employment history and that of your spouse? If retired, what did you do prior to retiring?

9. What is your educational background and that of your spouse?

10. When you are not working, what do you do for recreation or relaxation? Do you have any hobbies or pastimes?

11. Do you have any emotional problems or other issues in your life right now that would understandably distract you or make it difficult for you to listen to evidence and concentrate on someone else's problems for a period of time?

12. Do you have any moral, religious, or ethical beliefs that would prevent you from passing judgment on another person?

13. Are you a member of any political organizations, clubs, or other associations? Have you ever volunteered to work for any group associated with the legal system or law enforcement?

14. Is there anything that would affect your ability to sit as a juror and render a fair and impartial verdict?

15. This is a case that involves a claim by a state prison inmate against correctional officers. This is not a criminal case in which you decide guilt or

innocence of a crime. Do you have any personal feelings, beliefs, or concerns that would prevent you from sitting on a jury for this type of case?

16. Under our system of law, a prisoner is entitled to the same fair and impartial trial as any individual or any other party to a lawsuit. Is there any reason why you would not accept this principle in rendering a verdict?

17. Have you ever been to prison or jail, either as a visitor or otherwise? If so, please describe in detail.

18. Have you ever had contact with a corrections officer or prison guard? If so, please describe in detail.

19. Have you or any member of your family or a close friend ever been the victim of a crime? If so, what was the nature of the crime? Was the perpetrator punished? Were you satisfied with the result?

20. Have you or anyone close to you ever been employed by any law enforcement agency, whether that is state or federal – this includes police, prosecutors, and any other agency responsible for enforcing the laws of Michigan or of the United States of America.

21. Have you ever summoned a law enforcement agency for assistance? If so, please describe in detail.

22. Have you ever been arrested? If so, please describe in detail.

23. Have you or any person close to you ever had a verbal or physical

confrontation with a law enforcement officer? If so, please describe in detail.

24. Because of your beliefs, relationships, or prior experiences with the justice system and/or law enforcement would you be more likely or less likely to sympathize with, give greater credibility to, or in any manner favor the defendants in this case because they hold positions in law enforcement?

25. Have you ever served in the military? If so, what rank did you hold? What were your duties? Were you ever in military police?

26. Do you know anyone who was or is employed or in any way connected to the Michigan Department of Corrections? If so, please explain.

27. Do you know anyone, including your neighbors, friends, co-workers, relatives, or acquaintances who has worked or does work in a jail or prison or as a parole officer or probation officer?

28. Does your job cause you to work with any law enforcement office or agency?

29. In your opinion, what is the purpose of prison?

30. How do you think prisoners should be treated in prison?

31. Do you think prisoners should be able to sue in federal court if they are being mistreated by the guards?

32. Should Plaintiff, being a prison inmate, be concerned about whether he can get a fair trial here? Why or why not?

33. Under what circumstance, if any, do you think it would be appropriate for a prison guard to threaten a prisoner with physical harm?

34. Do you think it would be appropriate for a prison guard to threaten physical harm to stop a prisoner from reporting a guard's misconduct by writing grievances against the guards?

35. Do you think corrections officers should be given the benefit of the doubt when their conduct is challenged by a prisoner and there is a dispute about their conduct?

36. Would you give greater credence to the testimony of a law enforcement official because of the fact that they are law enforcement, as compared to the testimony of the plaintiff or other non-law enforcement personnel?

37. Would you give greater credibility to the testimony of a corrections officer than you would the testimony of any other person?

38. Do you think that lawsuits against corrections officers might actually improve their performance by providing a check on those few officers who might engage in unlawful activity against prisoners?

39. Have you or anyone close to you ever been incarcerated? If so, how will that impact your opinion in a case where a prisoner is bringing a lawsuit against correctional officers.

40. If you knew someone was convicted of a crime that did not relate to lying or dishonesty, would that make you less likely to believe he or she was telling the truth?

41. What are your preconceived notions for or against a state prisoner, if any?

42. Do you have trouble believing someone when you know or might believe that they have been convicted of a crime?

43. Have you or anyone close to you ever been incarcerated? If so, how will that impact your opinion in a case where a prisoner is bringing a lawsuit against correctional officers.

44. This is a civil case in which the only way for Mr. Griffin to recover is for the Jury to make an award of money damages. Would you be comfortable making such an award if the evidence and the law supported it? Is your answer still the same despite the fact that Mr. Griffin is a prisoner?

Plaintiff respectfully requests the ability to follow-up on these questions once the Court has complete its voir dire, or, in the alternative, the ability to submit follow-up questions for the Court to ask of particular jurors or the entire venire.

Respectfully Submitted,

DICKINSON WRIGHT PLLC

By: /s/ Wade G. Fink

Wade G. Fink (P78751)

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Dated: January 10, 2017

PROOF OF SERVICE

I hereby certify that on January 10, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

/s/ Wade G. Fink (P78751)

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